



A-3 Rec'd PCT/PTO 05 MAY 2006

MAIL STOP 16

PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: G. Spangenberg et al. Attorney Docket No.: CASM126914  
U.S. Application No.: 10/561,283 Confirmation No.: 2241  
Int'l. Application No.: PCT/AU04/00802  
Int'l. Filing Date: June 18, 2004  
Title: RYEGRASS POLLEN-SPECIFIC PROMOTERS AND  
EXPRESSION CONSTRUCTS

REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

Seattle, Washington 98101

May 1, 2006

DIRECTOR – U.S. PATENT AND TRADEMARK OFFICE:

ATTENTION: Refund Section, Accounting Division, Office of Finance

I. Refund Request

This is a request for refund with respect to the charge to Deposit Account No. 03-1740, shown on the statement dated April 2006, for the above-identified patent application. A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. Fees Charged for Which Refund Requested

	Amount of Fee Requested
<u>1615</u> Extra Claim Fee (2 extra claims) -	\$100.00
<u>Total Refund Requested:</u>	<b>\$100.00</b>

III. Explanation of Why Contested Charge Is in Error

There were 23 total numbered claims in the application, 4 of which were multiple-dependent claims which counted as 3 each, thus adding 8 "extra" claims to the original 23, for a total claim count of 31. Thus there was a total of 11 extra claims over 20 at \$50 each = \$550. The \$550 extra claim fee was included in our Check No. 167824 in the amount of \$1,810. We were charged for an additional two extra claims above the total of 31, which is an incorrect calculation. Enclosed is a copy of the original fee transmittal page as well as our Claim Fee Calculation Sheet.


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CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>LLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

IV. Manner of Refund

Please provide us with a refund by crediting Deposit Account No. 03-1740.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

  
Dennis K. Shelton  
Registration No. 26,997  
Direct Dial No. 206.695.1718

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop 16, Director - U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: 5/2/06 Carol Julian

DKS:cj

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Suite 2800  
Seattle, Washington 98101  
206.682.8100

04/04	1910	2341594	FAYE-2-14011	7205	\$100.00	\$7,173.48
04/04	1911	2341594	FAYE-2-14011	7208	\$200.00	\$6,973.48
04/05	8	2496352	CSHL-2-29725/25683	8521	\$40.00	\$6,933.48
04/05	9	2496352	CSHL-2-29725/25683	8522	\$25.00	\$6,908.48
04/05	12	5356510		9204	-\$3,800.00	\$10,708.48
04/05	12	2413498	CSHL-2-19535/19537	8521	\$40.00	\$10,668.48
04/05	13	2413498	CSHL-2-19535/19537	8522	\$25.00	\$10,643.48
04/05	14	2413498	CSHL	8521	\$40.00	\$10,603.48
04/05	15	2413498	CSHL	8522	\$75.00	\$10,528.48
04/05	78	78232689	ONCONM229251/29407	8521	\$40.00	\$10,488.48
04/05	79	78232689	ONCONM229251/29407	8522	\$25.00	\$10,463.48
04/05	132	60670944	NFNP-1-27375 LKP	8007	\$20.00	\$10,443.48
04/05	182	5830874	UWOTL18556	2552	\$1,150.00	\$9,293.48
04/05	653	78853684	IIJS-2-32821	7001	\$325.00	\$8,968.48
04/05	685	78853695	IIJS-2-33445	7001	\$650.00	\$8,318.48
04/05	874	78243521	SSNO-2-29543	7003	\$200.00	\$8,118.48
04/05	1649	78345214	FAYE-2-30519	7003	\$100.00	\$8,018.48
04/05	1789	2048228	SEME213329	7205	\$100.00	\$7,918.48
04/05	1790	2048228	SEME213329	7201	\$400.00	\$7,518.48
✓04/06	1	11110024	UTLX123686	1255	\$1,140.00	\$6,378.48
✓04/06	3	SUBSCRIPTION	SOGS	8001	\$15.00	\$6,363.48
✓04/06	24	6462770	XILL110864	1551	\$900.00	\$5,463.48
✓04/06	207	29221790	CSHL124242	8021	\$200.00	\$5,263.48
✓04/06	264	78066946	DIAC-2-30802	7004	\$150.00	\$5,113.48
✓04/06	412	1402784	MDPC218035	7205	\$100.00	\$5,013.48
✓04/06	413	1402784	MDPC218035	7201	\$400.00	\$4,613.48
✓04/06	1823	78855518	SUTK-2-33471	7001	\$325.00	\$4,288.48
✓04/06	1839	78425609	PFOO-2-31206	7004	\$450.00	\$3,838.48
✓04/06	1851	76300253	PLEF-2-27192	7004	\$150.00	\$3,688.48
✓04/06	2036	76300255	PLEF-2-27193	7004	\$150.00	\$3,538.48
04/07	19	E-REPLENISHMENT		9203	-\$5,000.00	\$8,538.48
✓04/07	27	10815159	WEYE121926/25350	1801	\$790.00	\$7,748.48
✓04/07	28	10813957	25487 (WEYE122661)	1801	\$790.00	\$6,958.48
✓04/07	310	78682643	TINC-2-32841	7001	\$325.00	\$6,633.48
✓04/07	347	60756338	LIUI126106	8021	\$40.00	\$6,593.48
04/07	375	10573670	KILS127291	1615	\$540.00	\$6,053.48 - DKS
04/07	377	10573670	KILS127291	1616	\$360.00	\$5,693.48
✓04/07	778	78856087	IIJS-2-33179	7001	\$325.00	\$5,368.48
✓04/07	829	78856120	IIJS-2-32765	7001	\$325.00	\$5,043.48
✓04/07	831	78856123	IIJS-2-32764	7001	\$325.00	\$4,718.48
✓04/07	1025	0344797	LIBO28922	7205	\$100.00	\$4,618.48
✓04/07	1026	0344797	LIBO28922	7201	\$400.00	\$4,218.48
✓04/07	1568	78856493	SCLF-2-33526	7001	\$325.00	\$3,893.48
04/10	12	E-REPLENISHMENT		9203	-\$5,000.00	\$8,893.48
04/10	18	10561283	CASM126914	1615	\$100.00	\$8,793.48 - DKS
04/10	109	11296574	SEMT125721	1111	\$500.00	\$8,293.48 - JVS
04/10	110	11296574	SEMT125721	1311	\$200.00	\$8,093.48 No
✓04/10	234	5354455	CLTI16516	2553	\$1,900.00	\$6,193.48

✓04/10 554	78856913	PAIN-2-33530	7001	\$650.00	\$5,543.48	
✓04/10 569	78856925	PAIN-2-33529	7001	\$650.00	\$4,893.48	
✓04/10 575	78856928	PAIN-2-33528	7001	\$650.00	\$4,243.48	
✓04/10 581	78856931	PAIN-2-33527	7001	\$650.00	\$3,593.48	
04/11 1	10913133	OKUM123424	1806	\$180.00	\$3,413.48	ECP / HEN
✓04/11 33	6982785	UWOTL-1-26694	8021	\$40.00	\$3,373.48	
04/11 34	E-REPLENISHMENT		9203	-\$5,000.00	\$8,373.48	
✓04/11 138	2340235	PLEF-2-20526	7205	\$100.00	\$8,273.48	
✓04/11 139	2340235	PLEF-2-20526	7208	\$200.00	\$8,073.48	
✓04/11 252	5821211	AETI110148	2552	\$1,150.00	\$6,923.48	
✓04/11 1044	78858309	NOAM-2-33428	7001	\$325.00	\$6,598.48	
✓04/11 1048	78858311	NOAM-2-33429	7001	\$325.00	\$6,273.48	
✓04/11 1059	78858319	NOAM-2-33430	7001	\$325.00	\$5,948.48	
✓04/11 1061	78858321	NOAM-2-33431	7001	\$325.00	\$5,623.48	
✓04/11 1068	78858324	NOAM-2-33435	7001	\$325.00	\$5,298.48	
✓04/11 1075	78858331	NOAM-2-33436	7001	\$325.00	\$4,973.48	
✓04/11 1084	78858336	NOAM-2-33441	7001	\$325.00	\$4,648.48	
✓04/11 1093	78858345	NOAM-2-33442	7001	\$325.00	\$4,323.48	
✓04/11 1097	78858350	NOAM-2-33443	7001	\$325.00	\$3,998.48	
✓04/11 1884	78633388	THOT-2-32679	7001	\$325.00	\$3,673.48	
04/12 23	E-REPLENISHMENT		9203	-\$5,000.00	\$8,673.48	
✓04/12 50	2340204	PLEF-2-20525	7205	\$100.00	\$8,573.48	
✓04/12 51	2340204	PLEF-2-20525	7208	\$200.00	\$8,373.48	
✓04/12 64	6468330	INNI115590	2551	\$450.00	\$7,923.48	
✓04/12 229	5375962	LIUI15810	2553	\$1,900.00	\$6,023.48	
	START	SUM OF	SUM OF	END		
	BALANCE	CHARGES	REPLENISH	BALANCE		
	\$3,823.48	\$36,600.00	\$38,800.00	\$6,023.48		

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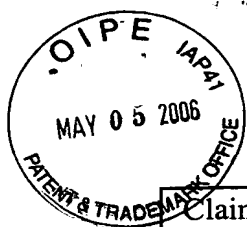
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**Deposit Account Statement**

**Requested Statement Month:** April 2006  
**Deposit Account Number:** 031740  
**Name:** CHRISTENSEN O'CONNOR JOHNSON & KINDNESS  
**Attention:**  
**Address:** 2800 PACIFIC FIRST CENTRE  
**City:** SEATTLE  
**State:** WA  
**Zip:** 98101  
**Country:** UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/03	50	E-REPLENISHMENT		9203	-\$5,000.00	\$8,823.48
04/03	62	3053615		8503	\$15.00	\$8,808.48
04/03	63	1328713		8503	\$15.00	\$8,793.48
04/03	64	1328714		8503	\$15.00	\$8,778.48
04/03	65	E-REPLENISHMENT		9203	-\$5,000.00	\$13,778.48
04/03	65	2957935		8503	\$15.00	\$13,763.48
04/03	66	2646008		8503	\$15.00	\$13,748.48
04/03	286	5373433	XANT119318	1553	\$3,800.00	\$9,948.48
04/03	415	78340389	STHA-2-30382	7004	\$150.00	\$9,798.48
04/03	492	78851511	REVG-2-33444	7001	\$325.00	\$9,473.48
04/03	770	78469471	WSCI-2-31390	7001	\$325.00	\$9,148.48
04/03	806	78851712	OBTM-2-33468	7001	\$1,950.00	\$7,198.48
04/04	52	10717977	LEPA122042	1801	\$790.00	\$6,408.48
04/04	63	E-REPLENISHMENT		9203	-\$5,000.00	\$11,408.48
04/04	86	11347537	CHEC-1-26662	8021	\$40.00	\$11,368.48
04/04	106	10815143	25324	1801	\$790.00	\$10,578.48
04/04	107	10798251	FRAB122492	1801	\$790.00	\$9,788.48
04/04	108	10798251	FRAB122492	1253	\$1,020.00	\$8,768.48
04/04	137	78486083	JORC231617	7004	\$300.00	\$8,468.48
04/04	144	11228635	ANMO126472	8021	\$40.00	\$8,428.48
04/04	242	11337108	SYIP126956	8021	\$40.00	\$8,388.48
04/04	262	10545012	FBRI125443	8021	\$40.00	\$8,348.48
04/04	731	78597085	PATTD-2-32154	7001	\$325.00	\$8,023.48
04/04	1357	78243521	SSNO-2-29543	7004	\$300.00	\$7,723.48
04/04	1378	78380457	PFOO-2-29958	7004	\$150.00	\$7,573.48
04/04	1893	2338932	FAYE-2-15434	7205	\$100.00	\$7,473.48
04/04	1894	2338932	FAYE-2-15434	7208	\$200.00	\$7,273.48



# CLAIM FEE CALCULATION SHEET

Docket No. CASM-1-26914

Claim No.	Date: 12/19/05 As Filed		Date: After Amdt.		Date: After Amdt.		Date: After Amdt.		Date: After Amdt.	
	I	D	I	D	I	D	I	D	I	D
1.	O									
2.		O								
3.		O								
4.		O								
5.		O								
6.		O								
7.		O								
8.		O								
9.		O								
10.		O								
11.		O								
12.		O								
13.		O								
14.		O(M3)								
15.		O(M3)								
16.		O(M3)								
17.		O(M3)								
18.		O								
19.		O								
20.		O								
21.		O								
22.		O								
23.		O								
24.										
25.										
26.										
27.										
28.										
29.										
30.										

Total Ind.	1	↓		↓		↓		↓		↓
Total Dep.	30	←		←		←		←		←
Total	31									

KEY	O : Original	PP : Previously presented (a prior "new" or prior "currently amended" claim)
	N : New	NE : Not entered (in prior amendment) or entry status unknown
	W : Withdrawn	WCA : Withdrawn - currently amended
	C : Canceled	(M#) : Multiple-dependent claim + number value
	CA : Currently amended	(M1*) : *Incorrect multiple-dependent claim counted as "1"

The following fees are submitted:.				CALCULATIONS	
21. <input checked="" type="checkbox"/> a) Basic national fee..... \$300				\$300.00	
22. <input checked="" type="checkbox"/> b) Examination fee If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0.00 All other situations.....\$200.00				\$200.00	
23. <input checked="" type="checkbox"/> c) Search fee If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0.00 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400.00 All other situations.....\$500.00				\$400.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$900.00	
____ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is <b>\$250.00</b> for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
50 - 100 =	0/50=		x \$250	\$--	
Surcharge of <b>\$130</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$--	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	31 - 20 =	11	x \$50	\$550	
Independent claims	1 - 3 =	0	x \$200	\$--	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$360	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1,810	
____ Applicants claim small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$--	
<b>SUBTOTAL =</b>				\$1,810	
Processing fee of <b>\$130</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$--	
<b>TOTAL NATIONAL FEE =</b>				\$1,810	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40</b> per property.				\$--	
<b>TOTAL FEES ENCLOSED =</b>				\$1,810	

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